

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY REAVES,

Defendant.

8:09CR187

ORDER

Defendant has filed two notices of appeal from the same order, [Filing No. 293](#); [Filing No. 298](#). He has not paid the appellate filing fee for either. The Court has denied him leave to proceed in forma pauperis and has denied him a certificate of appealability. [Filing No. 296](#); [Filing No. 306](#). Defendant now files a separate motion to proceed in forma pauperis. [Filing No. 309](#).

As previously summarized, Defendant has filed numerous untimely and frivolous post-conviction motions. See [Filing No. 292 at 1](#) (summarizing previous meritless filings). The Court has denied Defendant leave to proceed in forma pauperis when seeking to appeal his frivolous filings. See [Filing No. 259](#); [Filing No. 283](#). As the Court noted in its prior order, Defendant's motion for recusal and vacating the judgment amounted to another unauthorized successive motion under [28 U.S.C. § 2255](#). The Court found no basis for recusal. Accordingly, for these reasons, the Court denied him a certificate of appealability and now reaffirms its prior determination that he is not entitled to proceed in forma pauperis on appeal. See [Fed. R. App. P. 24\(a\)\(3\)\(A\)](#) (stating the district court can deny leave to proceed in forma pauperis to a party previously granted such a status if "the

appeal is not taken in good faith or [the Court] finds that the party is not otherwise entitled to proceed in forma pauperis”).

The Court advises Defendant that he is permitted to file a motion to proceed in forma pauperis in the court of appeals as provided for by [Fed. R. App. P. 24\(a\)\(5\)](#).

IT IS ORDERED:

1. Defendant is not granted leave proceed in forma pauperis on appeal, and his motion seeking the same, [Filing No. 309](#), is denied.
2. The Clerk of Court shall provide a copy of this Order to the Eighth Circuit Court of Appeals.
3. The Clerk of Court shall mail a copy of this Order to Defendant at his last known address.

Dated this 8th day of September, 2025.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge